6249194/2022/VIG-VI-PRR01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Suits - RWS&S Department - Non implementation of Hon'ble High Court Orders dated 05.10.2021 in W.P.No.17572 of 2021 filed by Sri Alapati Bramhanandam, resident of Devarapalli Mandal, West Godavari District covered under the Batch cases of W.P.No.10038/2021 - – Hon'ble High issued Notice in Form-I in C.C. No. 731 of 2022 on 07.04.2022 to the Respondents - Legal complications – Initiation of disciplinary proceedings against Sri A.S.A.Rama Swamy, the then Executive Engineer, RWS&S Sub-Division, Kovvuru and presently working as Executive Engineer, RWS&S Division, Bhimavaram under Rule 20 of A.P.Civil Services (CC&A) Rules, 1991 - Article of charges – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.VI) DEPARTMENT

G.O.Rt.No.394. **Dated 22.04.2022.**

* * *

O R D E R:

It is proposed to hold an inquiry against Sri A.S.A.Rama Swamy, the then Executive Engineer, RWS&S Sub-Division, Kovvuru and presently working as Executive Engineer, RWS&S Division, Bhimavaram, in accordance with the procedure laid down in Rule-20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charge (Annexure-I and II). A list of documents by which and a list of witnesses by whom, the article of charges are proposed to be sustained are also enclosed (Annexure-III and IV).

3. Sri A.S.A.Rama Swamy, the then Executive Engineer, RWS&S Sub-Division, Kovvuru and presently working as Executive Engineer, RWS&S Division, Bhimavaram is directed to submit his written statement of defence within (10) days of the receipt of this order.

4. Sri A.S.A.Rama Swamy, the then Executive Engineer, RWS&S Sub-Division, Kovvuru and presently working as Executive Engineer, RWS&S Division, Bhimavaram is informed that an enquiry will be held only in respect of those article of charges are not admitted. He should, therefore, specifically admit or deny article of charge.

5. Sri A.S.A.Rama Swamy, the then Executive Engineer, RWS&S Sub-Division, Kovvuru and presently working as Executive Engineer, RWS&S Division, Bhimavaram is further informed that if he does not submit his written statement of defence on or before the period specified in Para 3 above or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 or the orders directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte.

6. Attention of Sri A.S.A.Rama Swamy, the then Executive Engineer, RWS&S Sub-Division, Kovvuru and presently working as Executive Engineer, RWS&S Division, Bhimavaram is invited to Rule-24 of the Andhra Pradesh Civil Services (Conduct Rules) 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matter pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with these proceedings it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct Rules) 1964.

(P.T.O.)

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7. The receipt of this G.O., shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri A.S.A.Rama Swamy, the then Executive Engineer,
RWS&S Sub-Division, Kovvuru and presently working as Executive Engineer,
RWS&S Division, Bhimavaram through the Engineer-in-Chief, RWS&S,
Vijayawada.
The Engineer-in-Chief, RWS&S, A.P., Vijayawada
(in duplicate with a request to serve and return the dated acknowledgement copy).
Copy to:
The PR & RD (Estt-II) Department.
SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICER

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ANNEXURE-I

Statement of Article of Charge framed against Sri A.S.A.Rama Swamy, the then Executive Engineer, RWS&S Sub-Division, Kovvuru and presently working as Executive Engineer, RWS&S Division, Bhimavaram.

* * *

CHARGE:

That Sri A.S.A.Rama Swamy, the then Executive Engineer, RWS&S Sub-Division, Kovvuru and presently working as Executive Engineer, RWS&S Division, Bhimavaram has not taken any action to implement the orders of Hon'ble High Court of A.P., dated 05.10.2021 in W.P.No.17572 of 2021 filed by Sri Alapati Bramhanandam, resident of Devarapalli Mandal, West Godavari District covered under the Batch cases of W.P.No.10038/2021 and shown deliberate negligence for uploading bills, failed to discharging his duties properly, failed to pursue the matter with the concerned to resolve the problem arising therein, resulting in severe legal complications arising in issuing of Notice in Form-I in C.C.No.731 of 2022 in W.P.No.17572 of 2021 to the Respondents by the Hon'ble High Court of AP.

Thus, Sri A.S.A.Rama Swamy, the then Executive Engineer, RWS&S Sub-Division, Kovvuru and presently working as Executive Engineer, RWS&S Division, Bhimavaram showed his disobedience of the orders issued by the Higher authorities and gross negligence in attending his legitimate duties and acted in contravention of Rule 3 of A.P.Civil Services (Conduct) Rules, 1964.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-II

Statement of Imputations of Misconduct and Misbehaviour in support of Article of Charge framed against Sri A.S.A.Rama Swamy, the then Executive Engineer, RWS&S Sub-Division, Kovvuru and presently working as Executive Engineer, RWS&S Division, Bhimavaram.

* * *

Basis:

The Hon'ble High Court of A.P. in their Common Orders dated 05.10.2021 in W.P.No.10038/2021 and Batch cases have passed orders. Under Para-69 of the Judgment, the Hon'ble High Court held that, "admittedly, the petitioners executed works. They submitted bills. There are no enquiries pending against them. There is no fault on the part of the petitioners. The Central Government had released funds of 75% share. But, the petitioners did not receive payments. As such, the respondents are responsible for the said delay in making payments to the petitioners for which they are legally entitled. Therefore, in our view, it is appropriate and reasonable to compensate the petitioners for the loss caused to them by the State Government". Under Para-74, the Hon'ble High Court held that "accordingly, these writ petitions are allowed duly giving certain directions therein.

Among the Batch cases, one of the W.P.No.17572 of 2021 filed by Sri Alapati Bramhanandam, resident of Devarapalli Mandal, West Godavari District and the prayer of the Petitioner is as follows :-

"to issue a writ order or directions more particularly one in the nature of WRIT OF MANDAMUS declaring the action of respondents in non compliance of Fund Transfer Order in different FTR Nos. dated 01.02.2019 ; 03.01.2019; 18.04.2019 and 23.04.2019 in respect of 16 work Nos. 057051415013080028 to 057051415013080032; 057051415013080034; 057051415013080036; 057051415013080037; 057114150130800001 to 057711415013080029; 057711415013080031; 057711415013080032; 057711415013080037 pursuant to MGNREGS works and CM Tipping funds to cost for the material supplied by the Petitioner for providing CC open drainage system with cover slab in Kurukuru Village Devarapalle Mandal, West Godavari District issued by the 6th respondent (i.e., the EE., RWS&S Sub-Division, Kovvuru, West Godavari District) as illegal, irregular arbitrary, violative of contrary to the provisions of Mahatma Gandhi National Rural Development Act, 2005 rules and regulations framed there under and offences under Articles 14, 21 and 300A of Constitution of India and consequently direct the respondents to comply with the said FTRs and M.Books by paying amounts covered thereby to the Petitioner and pass xxxx ".

(P.T.O.)

Consequent to the Common Orders of Hon'ble High Court dated 05.10.2021 in W.P. No. 10038 of 2021 & Batch Cases, Government have issued instructions in Memo.No.1530821/RD-II/A1/2021, PR &RD (RD-II) Dept., dated 03.11.2021 to the Engineer-in-Chief, RWS&S, Vijayawada and other Heads of Departments under the administrative control of PR&RD Department including all the District Collectors duly authorizing them to file Writ Appeals against the Common Orders of Hon'ble High Court dated 05.10.2021 on behalf of all the respondents.

For not implementing the said orders of Hon'ble High Court of A.P., the Petitioner has approached the Hon'ble High Court and filed C.C.No.731 of 2022 before the Hon'ble High Court of A.P., for disobedience of Orders of Hon'ble High Court of A.P.

During the course of C.C.No.731 of 2022, the Hon'ble High Court of A.P., have issued Notice in Form-I to the Respondents 1 & 2 (i.e., the Principal Secretary, PR & RD and the Commissioner, PR&RD), thereby leading several legal complications, which shows his disobedience of the orders passed by the Hon'ble High Court of A.P., and Higher authorities.

Thus, the Government Servant Sri A.S.A.Rama Swamy, the then Executive Engineer, RWS&S Sub-Division, Kovvuru and presently working as Executive Engineer, RWS&S Division, Bhimavaram failed to obey the Orders of the Hon'ble High Court of A.P., and Higher authorities and gross negligence on his legitimate duties and delayed in implementation of the Hon'ble High Court Orders due to which Form-I Notice in above C.C., has been issued by the Hon'ble High Court, leading several legal complications. Thus by the above mentioned acts, he failed to maintain absolute integrity, devotion to the duty and conduct un-becoming of a Government Servant and thereby contravened the Rule 3(1) & 3(2) of A.P.Civil Services (Conduct) Rules, 1964.

Hence, the charge.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

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ANNEXURE-III

List of Documents by which the Article of Charge framed against Sri A.S.A.Rama Swamy, the then Executive Engineer, RWS&S Sub-Division, Kovvuru and presently working as Executive Engineer, RWS&S Division, Bhimavaram are proposed to be sustained.

* * *

1. Orders of Hon'ble High Court of A.P, dated 05.10.2021 in W.P.No.17572 of 2021 filed by Sri Alapati Bramhanandam, resident of Devarapalli Mandal, West Godavari District covered under the batch cases of W.P.No.10038/2021.

2. Govt.Memo.No.1530821/RD-II/A1/2021, PR&RD (RD-II) Dept., dated 03.11.2021.

3. Contempt Case No.731 of 2022 in which Notice in Form-I issued on 07.04.2022 to the Respondents I & 2.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

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ANNEXURE-IV

List of Witnesses by whom the Article of Charge framed against Sri A.S.A.Rama Swamy, the then Executive Engineer, RWS&S Sub-Division, Kovvuru and presently working as Executive Engineer, RWS&S Division, Bhimavaram are proposed to be sustained.

* * *

- NIL -

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER